

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

AVKO EDUCATIONAL RESEARCH
FOUNDATION, INC., et al.,

Plaintiffs,

Case Number 11-13381
Honorable Thomas L. Ludington

v.

THOMAS MORROW, et al.,

Defendants.

ORDER STRIKING UNTIMELY RESPONSE BRIEF

On January 5, 2012, counsel for Plaintiffs filed a response to Defendants' withdrawn motion for reconsideration of the Clerk's denial of entry of default and Defendants' motion for default judgment. ECF No. 42. Defendants' motion for default judgment was filed on December 5, 2011. A response to a motion for reconsideration is not permitted unless the Court directs otherwise. E.D. Mich. Local Rule 59.1. Moreover, E.D. Mich. Local Rule 7.1(e)(2)(B) requires that a response brief, if filed in support of a nondispositive motion, must be filed within 14 days after service of the motion. Even if Plaintiffs considered Defendants' motion as a dispositive motion, their response was due within 21 days after service of the motion. E.D. Mich. Local Rule 7.1(e)(1)(B). Under the Local Rules, Plaintiffs' response is untimely and Defendants have requested that the response be stricken. ECF No. 50.

Accordingly, it is **ORDERED** that Plaintiffs' response brief (ECF No. 42) is **STRICKEN**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: January 11, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on January 11, 2012.

s/Tracy A. Jacobs
TRACY A. JACOBS